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December 6, 2019

**VIA ECF**

Honorable Joanna Seybert, U.S.D.J.  
Alfonse M. D'Amato Federal Building  
United States District Court, 100 Federal Plaza  
Central Islip, NY 11722

Re: *MacKenzie v. National Grid USA Serv. Co., Inc.*  
Case No. 19-cv-1916

Dear Judge Seybert:

This firm represents Defendant National Grid USA Service Company, Inc. (“Defendant”) in this matter. We write concerning Your Honor’s December 4, 2019 Electronic Order, which terminated (without prejudice to renewal at an appropriate time) Defendant’s motions for a pre-motion conference to file a Rule 12 motion to dismiss the claims of Plaintiff MacKenzie. (ECF Docs. 10, 14) (the “Motion”). The Electronic Order noted that the Court terminated the Motion in light of the Court’s joinder decision in the *Jenkins* Action, Docket No. 15-CV-1219.

Under Your Honor’s (and Judge Bianco’s) Individual Practices, Defendant’s Motion constituted timely service of a Rule 12 motion and tolled Defendant’s time to answer or otherwise move as to the Complaint. The December 4 Order terminating the Motion appears to have re-started the clock for Defendant to respond to the Complaint. Given Defendant’s expressed preference to file a Rule 12 motion on various grounds (including for lack of personal jurisdiction) and the rationale expressed in the December 4 Order, Defendant hereby seeks a stay of its obligation to answer or otherwise respond to the Complaint until 14 days after the Court has decided Plaintiffs’ motion for class certification in the *Jenkins* Action.

The parties have conferred about this request. Counsel for MacKenzie have informed Defendant that she does not object to this application, but that she reserves her rights at a later date to seek a Rule 16 conference and discovery, and Defendant reserves its rights to oppose such a request. Accordingly, Defendant requests that the Court order that Defendant’s obligation to respond to the Complaint is stayed until 14 days after the Court has decided Plaintiffs’ motion for class certification in the *Jenkins* Action.



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Respectfully submitted,

*/s/Richard H. Brown*

Richard H. Brown

cc: Counsel of Record (via ECF)